

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of John B. Ferber and Scott Ferber

Serial No.: Not Yet Assigned

Group Art Unit:

Filed: HEREWITH

Examiner:

FOR: **OPTIMAL INTERNET AD PLACEMENT**

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, joint and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **OPTIMAL INTERNET AD PLACEMENT**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim the benefit under U.S.C. §119(e) of the United States provisional application no. 60/164,253, filed November 8, 1999.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jon L. Roberts

Registration No. 31,293

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Registration No. 30,537

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I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor John B. Ferber

Inventor's Signature _____ Date _____

Residence Baltimore, Maryland

Post Office Address: _____

Citizenship: US

Full name of inventor Scott Ferber

Inventor's Signature _____ Date _____

Residence Baltimore, Maryland

Post Office Address: _____

Citizenship: US

PTO/SB/09 (11.90)

Docket Number (Optional)

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b))—INDEPENDENT INVENTOR**
Applicant or Patentee: John B. Ferber and Scott FerberSerial or Patent No.: Not assignedFiled or Issued: HerewithTitle: Optimal Internet Ad Placement

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under convey or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that had made the invention, or to any concern which would not qualify as a business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(c).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- No such person, concern, or organization exists.
 Each such person, concern or organization is listed below.

Advertising.com

Separate verified statements are required from each named person, concern or organization having rights to the invention averting to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.(37 CFR 128(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made an information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

John B. Ferber
NAME OF INVENTOR

Signature of inventor

Scott Ferber
NAME OF INVENTOR

Signature of inventor

NAME OF INVENTOR

Signature of inventor

Date

Date

Date

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(i) & 1.27(c))—SMA BUSINESS CONCERN**

Docket Number (Optional)

Applicant or Patentee: John B. Ferber and Scott Ferber
 Serial or Patent No.: Not assigned
 Filed or Issued: Herewith
 Title: Optimal Internet Ad Placement

I hereby declare that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Advertising.com

ADDRESS OF SMALL BUSINESS CONCERN 1010 Hull Street, The Tide Building,
 2nd Floor, Baltimore, Md. 21230

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:
 no such person, concern or organization exists.
 each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlements to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.289(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Thomas McMahon

TITLE OF PERSON IF OTHER THAN OWNER General Counsel

SIGNATURE Thomas McMahon

ADDI

DATE 6.30.00

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE